

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7255

Respondents: Trump Make America Great Again
Committee

Complaint Receipt Date: June 26, 2017

Bradley T. Crate, as treasurer

Response Date(s): July 31, 2017

(collectively the "Committee")

EPS Rating:

Alleged Statutory/

Regulatory Violations: None

The Complainant alleges that the Committee improperly withdrew funds from her checking account. Specifically, the Complainant states that she authorized four automatic withdrawals, \$150 a month from July 2016 to October 2016, for a total of \$600. She maintains that she discovered in September 2016 that the Committee made two \$150 withdrawals from her account in July, and the Committee continued making monthly withdrawals even after she told the Committee to stop. She alleges that the Committee made eight withdrawals, two for \$150 in July 2016, and \$150 a month through January 2017, for a total of \$1,200. The Complainant contends that as a result of the unauthorized withdrawals, she overdrew her account and accumulated \$270 in bank fees. The Complainant says that after repeated calls, the Committee finally refunded seven of the eight withdrawals in January 2017. The Complainant asks for the Commission's help in securing a refund for the remaining \$150 contribution, as well as repayment for the bank fees.

The Committee states that the Complaint fails to identify a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and notes that although the Complainant pledged to contribute \$600, the Committee refunded all but the Complainant's initial \$150 contribution.

The Act provides that any person that believes that a violation of the Act or Commission regulations has occurred may file a complaint with the Commission that describes a violation over

which the Commission has jurisdiction.¹ The Complaint does not appear to describe such a violation and the Committee has refunded all but Complainant's first contribution, which the complainant concedes she authorized.²

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given the low rating and the small amounts in violation alleged in this matter, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.³ We also recommend that the Commission close the file and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

¹ 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4(a)-(d).

² The activity described, if true, is concerning, but on its face does not appear to violate any provision of the Act. Construing the Complaint liberally, it potentially implicates 11 C.F.R. § 103.3(b), which governs the handling of contributions that are excessive or present genuine questions as to whether they may be prohibited under the Act. However, the contributions here do not appear to be either.

³ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

Date _____

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